

EMERGENCY MEDICAL CARE (“EMC”) & DO NOT RESUSCITATE (“DNR”) ORDERS IN BOTSWANA EUTHANASIA

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These past two weeks, we gave you an introduction into this delicate and unexplored area of our law, walking you through the basics. Click [here](#) for our articles and to get a handle on the defined terms. We go into the weeds a little bit, as we explore the relationship between DNR orders and euthanasia. We appreciate your kind attention.

The relationship between DNR orders and euthanasia

Euthanasia refers to conduct that *‘brings about an easy and painless death for persons suffering from an incurable or painful disease or condition.*

Unlike the law of South Africa, which proscribes active euthanasia, but permits passive euthanasia under certain conditions, that of Botswana does not directly deal with euthanasia at all.

Active euthanasia requires a doctor to intentionally contribute to the death of a patient, apart from the irreversible fatal underlying illness or condition that afflicts them (e.g. by administering a lethal injection or medication).

On the other hand, passive euthanasia aims to prevent the prolonging of death by allowing an irreversible fatal underlying illness to kill the patient through withholding or withdrawing treatment.

Distinguishing between active and passive euthanasia may appear illogical, as in both instances the act or omission by health professionals in denying medical treatment contributes to the patient’s death, but the South African courts have adopted a pragmatic approach in this regard.

DNR orders are in essence, a form of passive euthanasia. Our Public Health Act and the National Health Quality Standards guideline would suggest that in Botswana, DNR orders may apply to the withholding or withdrawal of cardiopulmonary resuscitation, as well as palliative and other medical care. In both DNR and passive euthanasia situations, the withholding or withdrawal of treatment allows the underlying fatal condition to cause a patient’s death, thus preventing prolonging their death by letting nature take its course, when treatment would be useless or ineffective.

If you read this far, thank you. It is not an easy topic and it can be very personal.

Please join us next week as we bring this topic full circle and explore living wills as advance directives.

I appreciate your joining us. I am [Msiya Kindiano](#), a partner at [Bookbinder Business Law](#). If you have any questions for me on this subject matter you can drop me an email on msiya@bookbinderlaw.co.bw or if you wish to schedule an appointment with any of my colleagues on any of our offerings you can reach us on (+267) 391 2397. You can also follow our [Facebook](#) or our [LinkedIn](#) page. You can subscribe to our newsletter [here](#) or browse our website at www.bookbinderlaw.co.bw.